

COPY

Village of Elwood, Will County, Illinois,
Petitioner

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Vs.

Illinois Commerce Commission
RAIL SAFETY SECTION

Center Point Intermodal LLC, Burlington Northern and Santa Fe
Railway Company and State of Illinois Department of
Transportation,
Respondents

T02-0038

Petition for an Order of the Illinois Commerce Commission
authorizing the establishment of four new grade crossings along
the Industrial Park Lead track and an associated wye connection
track owned by Center Point Intermodal LLC, at Baseline Road,
Center Industrial Park Drive, Park Road, and East Access Road
(a/k/a/ Strawn Road) in the Village of Elwood, Will County, Illinois,
directing interim grade crossing protections and subsequent
installation of automatic protection devices at certain of the
crossings, the construction of the crossings proper, and dividing
the cost among the parties.

BRIEF ON EXCEPTIONS

Staff received the Administrative Law Judges Proposed Order in the above
captioned docket on September 10, 2002.

Staff makes the following exceptions concerning that Proposed Order:

1. The legal name for The Burlington Northern and Santa Fe Railway Company
should be changed in the heading and through out the Proposed Order.
2. Page One should have a paragraph explaining that Park Road and East Access
Road was dropped from the Petition by Oral Motion at the beginning of the first
hearing and Center Industrial Park Drive was dropped from the Petition by Oral
Motion, during the August 22, 2002 hearing.
3. Page One should have a paragraph describing involvement BNSF and Center
Point and who is the entity that owns and will maintain the track. Industrial Park
Lead ("IPL") track will be owned and maintained by Center Point. BNSF will be the
servicing Railroad. Center Point indicated it would transfer that ownership to the
Industrial Park Association upon full build-out.
4. Page Two, Third paragraph should be broken into two separate paragraphs. First
paragraph should note proposed IPL track will cross the public highway, Base Line
Road, at-grade. The Base Line Road at-grade crossing will be located
approximately 190 feet north of the intersection of Base Line Road and East

Access Road. The traffic control will consist of "Stop Signs" for each leg of the intersection. The number of traffic lanes over the crossing are three (3) south bound lanes [one left turn, one through, and one right turn] and one north bound lane. Second paragraph should state Trans Systems, consultant for Center Point, proposed the installation of active railroad warning devices at the proposed Base Line Road grade crossing. A cantilever mounted automatic flashing light signal would be installed north of the crossing for south bound vehicular traffic and a mast mounted automatic flashing light signal would be installed south of the crossing for north bound traffic.

5. Finding (6), regulatory warning signage should be changed to railroad advance warning signs and pavement markings per 92 Illinois Administrative Code 1535.310.
6. Finding (8) northbound and southbound are reversed and should be vise versa. Mounted should be added after cantilever and the last sentence should read "warning devices are to be controlled by motion sensor circuitry." A sentence should be added to address installation cost. All installation cost should be allocated to the Village of Elwood and/or Center Point Intermodal, LLC as denoted at the end of the first full Ordering Paragraph on Page 4.
7. Finding (10), forth sentence incorrectly states "Railway" is to bear future maintenance and operation cost. It should be "Center Point".
8. Page 4, end of First Ordering paragraph incorrectly states "tracks of the Burlington Northern and Santa Fe railway Company". It should read "track of Center Point Intermodal, LLC".
9. Page 4, first full Ordering Paragraph incorrectly states BNSF be, and it is herby required and should state Center Point Intermodal, LLC. Cantilevered should be changed to cantilever and mounted should added after cantilever.
10. Page 4 The should be added before Burlington.
11. Page 4, 4, 5, and 6th Ordering Paragraphs should be changed from BNSF to Center Point Intermodal, LLC.
12. Page 4, 5th Ordering paragraph should require plans and estimates also be sent to the Illinois Department of Transportation.
13. Page 4, last Ordering paragraph should be Deleted. Duplicate.
14. Page 5, First Full ordering paragraph should be deleted. Duplicate.
15. Page 5, 2nd and 3rd full Ordering paragraphs should be changed from BNSF to Center Point Intermodal, LLC.

Henry Humphries
Henry C. Humphries, Railroad Safety Specialist

September 13, 2002
Date

The above was served on the following parties:

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